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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 441 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.A.P. Dhavale for the applicant.

Mr.R.B. Agarwal for the respondent no.1.

Ms.Rajeshree M. Gadhvi, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 3RD DECEMBER 2007

P.C. :

1. Heard the learned counsel for the applicant and the respondent no.1 and the learned A.P.P. for the State.

2. The applicant is convicted for an offence under section 138 of the Negotiable Instruments Act and is sentenced to suffer simple imprisonment for 4 months and also to pay a fine.

3. Before me, the learned counsel for the applicant and the respondent no.1, who is the original complainant, stated that the matter has been settled. The

applicant has issued a cheque for Rs.75,000/- to the respondent no.1. The applicant not only repaid the sum of Rs.75,000/- but has also paid a further sum of Rs.50,000/- making the total to Rs.1,25,000/-. The amount has been accepted by the respondent no.1 in full and final settlement of his claim and the matter has been settled. Both the parties have filed a "compromise settlement" before me which is signed by the applicant and the respondent no.1 before a notary public. The compromise settlement is taken on record and marked "X" for identification.

4. In the circumstances, in my view, the offence is compounded. Under section 147 of the Negotiable Instruments Act the offence is compoundable. In view of the compounding, the revision application is allowed and the applicant is acquitted of the charges.

(D.G. KARNIK, J.)